



Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



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Governor
Raymond S. Tenorio
Lt. Governor

Director's Office	300-7965/7966; Fax 734-6569
Agricultural Dev. Services	300-7973/7972; Fax 734-8096
Animal Health	300-7965
Aquatic & Wildlife Resources	735-0294/0281; Fax 734-6569
Forestry & Soil Resources	300-7976; Fax 734-0111
Plant Nursery	300-7974
Plant Inspection Facility	472-1426; 475-1427; Fax 477-9487

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

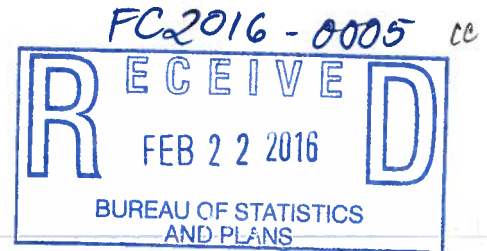
February 16, 2016

Memorandum

To: Director, Bureau of Statistics and Plans

From: Director, Department of Agriculture

Subject: Coastal Zone Permit for "Repair of the Merizo Pier and Boat Ramp"



Hafa Adai! Please find attached the application for your agency's Coastal Zone Management Program (CZMP) for Agriculture's project entitled "Repair of the Merizo Pier and Boat Ramp." This project will be repairing damage to the existing boat ramp and pier at Merizo due to exposure to the elements, vandalism, and heavy use. Our agency has received a provisional nationwide permit verification from the Army Corps of Engineers (ACOE), but the CZMP permit is necessary to begin the actual construction work.

We are kindly requesting whether your agency would be able to assist us by expediting your agency's process to review the permit request. The facility at Merizo is one of the sites to be used by FestPac, and your agency's permit is necessary in order to begin the construction work. Since the work to be done is maintenance and repair work on existing structures, we do not anticipate any significant impact to marine or terrestrial resources.

For additional information on the project, please contact, Project Leader, Mr. Thomas P. Flores, Jr., at 735-0294/81. Once again, we kindly request any assistance you can provide in expediting this request.

Thank you for your consideration regarding this matter.


MATTHEW L.G. SABLAN

Attachment(s):



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

January 29, 2016

SUBJECT: Provisional Nationwide Permit Verification for Merizo Pier and Boat Ramp Facility Maintenance Project; DA File No. POH-2015-00254

Mr. Matthew L.G. Sablan
Guam Department of Agriculture
163 Dairy Road
Mangilao, Guam 96913

Dear Mr. Sablan:

The U.S. Army Corps of Engineers, Honolulu District (Corps) Regulatory Office, has completed review of your request for authorization dated December 11, 2015 to conduct maintenance repairs of the Merizo Pier and Boat Ramp Facility located in Cocos Lagoon of the Pacific Ocean, in the Village of Merizo, Guam. This office has verified that your proposed activity complies with the terms and conditions of Nationwide Permit 3 (NWP-3), Maintenance, and the overall NWP program issued on March 17, 2012 pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and/or Section 404 of the Clean Water Act (Section 404). Please reference Department of the Army (DA) file number POH-2015-00254 in any future correspondence relating to this provisional verification.

This letter is to inform you that although the Corps has completed its review of your application, we cannot issue a final verification for NWP-3 until the Guam Bureau of Statistics and Plans, Guam Coastal Management Program (GBSP-CMP) issues a Coastal Zone Management Act (CZMA) consistency determination or waiver. Therefore, this letter is a Provisional NWP Verification. Upon receipt of the CZMA consistency determination and submittal of a copy to the Corps, the Corps will, within 30 days of receipt, send you a final NWP verification letter. **You may not begin work within a waters of the U.S. until you receive the final NWP verification letter from the Corps.** You are advised that substantial legal penalties may be incurred if you proceed with the work in the absence of the above required State and Federal approvals.

If you receive a CZMA consistency determination or waiver, this office will issue a final verification authorizing the following work as described below and as depicted on the enclosed project figures (Enclosure 1): The Guam Department of Agriculture has proposed to conduct maintenance repairs of the Merizo Pier and Boat Ramp Facility located in Cocos Lagoon/Pacific Ocean in the Village of Merizo in southern Guam. The proposed maintenance will include: (1) replacement of the pier's upper rubber bumpers on the east/west sides of the pier, (2) repair of damaged concrete cross beams of the pier where the upper rubber bumpers are attached to the pier, (3) repair of the facility's lights,

including wiring which runs under the pier, (4) replacement of four stainless steel ladders which are missing on the pier, (5) repair of the walkway, (6) repair a small area of the parking lot, and (7) replacement of the rubber bumpers of the boat ramp's walkways. The applicant has provided photographs and project descriptions in the permit application. The work will be conducted via barge, boat or from the top of existing structures. The proposed maintenance of the Merizo Pier and Boat Ramp Facility is required to ensure the safety of the facility which is heavily used by the general public 24 hours a day. There will be no dredging and no discharge of dredged or fill material associated with this project.

Furthermore, you will be required to ensure that the work, if approved, is performed in accordance with the Nationwide Permit General Conditions and the Honolulu District Regional Conditions (Enclosure 2), and the following Project Specific Special Conditions:

a. Incidents where any individuals of Green Sea Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), Loggerhead Sea Turtle (*Caretta caretta*), and Humpback Whale, (*Megaptera novaeangliae*) listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Guam Regulatory Field Office of the U.S. Army Corps of Engineers at (671) 339-2108 or the main Regulatory Office of the Honolulu District of the U.S. Army Corps of Engineers at (808) 835-4303. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measurements to ensure that evidence intrinsic to the specimen is preserved.

b. You are required to comply with the best management practices (BMPs) listed in Enclosure 3.

c. For compliance with Section 7 of the Endangered Species Act, you must comply with the attached Pacific Standard Local Operating Procedure for Endangered Species (Pac-SLOPES) general conditions, special conditions, and activity-specific best management practices (BMPs) to avoid effects to threatened or endangered marine species (Enclosure 4).

You are advised that all conditions of CZMA consistency determination will become conditions of your final NWP verification, unless the Corps deems these conditions to be either unreasonable or unenforceable. In addition, if the Guam BSP-CMP denies CZMA consistency determination, then the Corps must deny the DA permit without prejudice. If you subsequently obtain the previously-denied certification, you should contact this office to determine how to proceed with your permit application.

Thank you for your cooperation with the Honolulu District Regulatory Program. Should you have any questions related to this determination, please contact me via telephone at (671) 339-2108 or via e-mail at Katy.R.Damico@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Office by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,



Katy R. Damico
Project Manager
Guam Regulatory Field Office

cc:

Mr. Eric Palacios, Guam EPA
Ms. Maricar Quezon, Guam EPA
Mr. Edwin Reyes, Guam BSP-CMP
Mr. David Nichols, NOAA-NMFS Protect Resources Division
Ms. Valerie Brown, NOAA-NMFS Habitat Conservation Division

GUAM COASTAL MANAGEMENT PROGRAM ASSESSMENT FORMAT

DATE OF APPLICATION: _____

NAME OF APPLICANT: _____ Department of Agriculture

ADDRESS: _____ 192 Dairy Road, Mangilao 96913

TELEPHONE NO. _____ 735-0281/0294 Fax No. _____ Cell No. _____

EMAIL ADDRESS: _____

TITLE OF PROPOSED PROJECT: _____

Repair of the Merizo Pier and Boat Ramp

COMPLETE FOLLOWING PAGES

FOR BUREAU OF STATISTICS AND PLANS ONLY:

DATE APPLICATION RECEIVED: _____

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____

APPLICANT NOTIFIED: _____ PUBLIC NOTICED GIVEN: _____

OTHER AGENCY REVIEW

REQUESTED: _____

DETERMINATION:

() CONSISTENT () NON-CONSISTENT () FURTHER INFORMATION REQUESTED

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____

APPLICANT NOTIFIED: _____

ACITON LOG:

1. _____

2. _____

3. _____

4. _____

5. _____

DATE REVIEW COMPLETED: _____

DEVELOPMENT POLICIES (DP):

DP 1. Shore Area Development

- Intent:** To ensure environmental and aesthetic compatibility of shore area land used.
- Policy:** Only those uses shall be located within the Seashore Reserve which:
- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
 - can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion:

The repair of the Merizo Pier and Boat Ramp would repair existing structures that blend into the surrounding marine and coastal area. The pier and boat ramp blend into the aesthetics of the surround area because fishing, boating, and use of marine resources are activities that occur in southern Guam. The pier and boat ramp are used by recreational and subsistence fishers and recreational boaters to access boating and fishing resources, as well as families who use the facility for gatherings and swimming.

Currently, the structures have damages that detract from the aesthetics of the area and compromise safety. These structures are part of the pier and boat ramp that allow residents to engage in fishing, boating, and use of the marine resources are compatible to cultural practices prevalent in southern Guam. The Merizo pier and boat ramp is the only public pier and boat ramp that provides a safe area the general public can use that is located in the southern part of the island.

DP 2. Urban Development

- Intent:** To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.
- Policy:** Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facility shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.

Discussion:

This development policy is not applicable to the project to repair the Merizo pier and boat ramp.

DP 3. Rural Development

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.

Discussion:

The repair of the Merizo pier and boat ramp would allow for traditional fishing practices to be practiced. The facility allows traditional fishing practices uncommon elsewhere, such as the community harvest of mackerel scad and harvest of seasonal juvenile fish species in a safe manner, and allow fishermen to pass on these skills and lifestyles to future generations. While other regions of the island may focus on agriculture, the facility allows traditional fishing villages such as Merizo to develop and maintain fishery lifestyles important to both culture and small scale commercial activities. The boat ramp and pier are used by multi-generational families in Merizo to engage in traditional fishing practices.

DP4. Major Facility Siting

Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities

Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

Discussion:

This development policy is not applicable to the project to repair the Merizo pier and boat ramp.

DP 5: Hazardous Areas

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, lair installations' crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.

Discussion:

This development policy is not applicable to the project to repair the Merizo pier and boat ramp.

DP 6. Housing

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion:

The facility is owned by the Merizo Mayor's office. Currently, the facility has rest rooms and water provided by the Merizo Mayor's office, and power to lights that are the responsibility of the Department of Agriculture. The facility does not impact resources such as power, sewer, and water, with all these resources currently being provided.

DP 7. Transportation

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.

Discussion:

This development policy is not applicable to the project to repair the Merizo pier and boat ramp.

DP 8. Erosion and Siltation

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use regulations, as well as other related land use guidelines for such areas.

Discussion:

The Merizo pier and boat ramp are existing facilities that were constructed over two decades ago. This project would repair parts of the facility damaged by exposure to the marine environment, wear and tear from heavy use, and vandalism. Since the project does not include any activity that exposes soil or includes dredging, the project will not result in any erosion or sedimentation. The project, however, has the potential to result in concrete entering the marine environment during repair work on the concrete pilings. However, BMP's will be put in place to prevent and minimize any material, including construction material, from entering the marine environment.

RESOURCES POLICIES (RP):

RP 1. Air Quality

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Discussion:

Air quality will not be significantly impacted from this project. Agriculture will ensure that all heavy equipment used at the site are properly serviced, ensuring that all construction activities comply with local and Federal air quality standards, when applicable.

RP 2. Water Quality

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive water.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly I estuaries, reef and aquifer areas.

Discussion:

Water quality will not be significantly impacted from this project. The project will not produce any erosion or sedimentation into the marine environment.

Heavy machinery and vehicles will be used for some of the repair work. Since the project occurs at a facility located over the marine environment, ensuring that fuel spills are minimized and are immediately cleaned up is a priority. Therefore, BMP's will be in place to minimize fuel spills and to ensure that in the event a fuel spill occurs or should a petroleum sheen be visible in the water, work ceases, the source of the spill be identified, and clean-up materials that are required to be on-site are used to clean up fuel spills immediately

RP 3. Fragile Areas

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas including Guam's Marine Protected Areas (MPA) shall be regulated to protect their unique character.

Discussion:

Repair of the Merizo pier and boat ramp will restore the existing facility to its original use. The project will not impact historical or archaeological sites, wildlife habitats, pristine marine and terrestrial communities, limestone forests, mangrove stands and other wetlands, or coral reefs. All work will be limited to the existing structures of the pier and boat ramp walkways, and no dredging or excavating activities will occur. The pier and boat ramp are areas where heavy boat traffic and year round fishing occurs, discouraging protected species from venturing into the project area. While coral grows in the marine environment, none of the coral

species recently listed as threatened on Guam's waters occur on the pier or boat ramp structures being repaired.

The pier and boat ramp is located well away from the Achang Bay marine preserve. The marine area immediately around the pier and boat ramp are not considered pristine or fragile marine areas due to boating, fishing activity, and swimming that occur year round. Since the facility is located along the shoreline area, significant coral growth does not occur where the repair work will be done since the structures to be repaired are exposed during low tide, preventing coral growth. Sea grass does not occur in the project area and the marine habitat in the surrounding area is primarily sandy bottom with rubble. The area around the pier is a designated swimming area.

Repair work activities which have the potential for negatively impacting the marine environment are the potential for fuel spills and for construction material entering the marine environment. BMP's will be put in place to both minimize fuel spills at to ensure that cleaning up after spills is done. For material that may enter the marine environment, a raft will be placed under the concrete pilings to catch any falling debris.

RP 4. Living Marine Resources

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from over harvesting and, in the case of corals, sea turtles and marine mammals, from any taking whatsoever.

Discussion:

The repair work will not result in any take of fish, protected marine turtles, cetaceans, coral, and other marine flora and fauna. The repair work is limited to repairing the damaged lighting systems, removal of damaged bumpers on the pier and ramp walkways, replacement of missing ladders on the pier, and repair of the boat ramp walkways. BMP's will be put in place to prevent and clean up fuel spills and to ensure construction material used for the project do not enter the marine environment. Chemicals or hazardous materials will not be used for the project. BMP's will be put in place to cease all work, allowing any sea turtles or cetaceans that venture into the project area to leave on their own volition.

RP 5. Visual Quality

Intent: To protect the quality of Guam's natural scenic beauty.

Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.

Discussion:

This resource policy is not applicable to the project to repair the Merizo pier and boat ramp. The boat ramp and pier is considered aesthetically in line with marine activities considered culturally important, and provides subsistent and small-scale commercial fishers safe access to the marine environment. Since the facility allows safe access along the shoreline, tourists and residents are often seen enjoying the scenery at the Merizo facility.

RP 6. Recreation Areas

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Discussion:

The pier and boat ramp provides residents with a safe location for recreational activities such as fishing, boating, family outings, and swimming. Since the facility has parking, lighting, and rest rooms and is always open for public use, the facility is heavily used for recreation by residents, even those from the northern part of the island.

The facility is used heavily by families engaged in marine-related recreational activities. The facility is also used for large events such as the Merizo water festival

and regional athletic competitions such as the Cocos Island 2-mile swim and numerous triathlon and running events. The aesthetics of the area also makes it a preferred site for diverse activities, even including high school filming and local commercials.

The Merizo boat ramp and pier is a facility that encourages family recreational activities. The facility allows for recreational activities in a safe environment. The facility is used year round and at all hours. Fishing, boating, swimming, and other marine activities such as jet skiing and sailing occur at the facility. Since heavy use and exposure to the marine environment has resulted in significant damage to the facility, the repair work will restore the facility so that it can be used safely.

The facility is also used by younger residents engaging in fishing activities, including bottom fishing, cast netting, and spearing. The pier provides a safe access point to both shallow coastal waters and a deeper channel area where younger fishers can engage in recreational fishing.

RP7. PUBLIC ACCESS

Intent: To ensure the right of public access

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion:

The facility allows for safe public access to marine resources. Since the facility provides parking, rest rooms, lighting, and a rinse off area, safe public access to the marine resources is provided year round and without charge. Repair work will ensure safe and adequate access to Guam's marine resources.

Figures of the Merizo pier and boat ramp facility

Each figure provides a close-up view and description of a specific area of the facility which is to be repaired. Figures 3, 4, 25, and 26 are work items that are not stated on the existing work contract, but may be added as additional work items based on the availability of funds. Figure 3 and 4 were not damaged when the original contract was proposed, Figures 25 and 26 were low priority work items that may be added based on available funding.



Figure 1: View of boat ramp and ramp's two walkways.

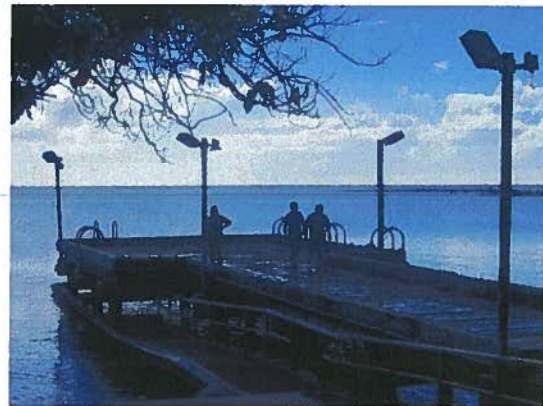


Figure 2: View of Merizo pier.



Figure 3: View of boat ramp's east walkway. Damage at the end of the walkway to be repaired.

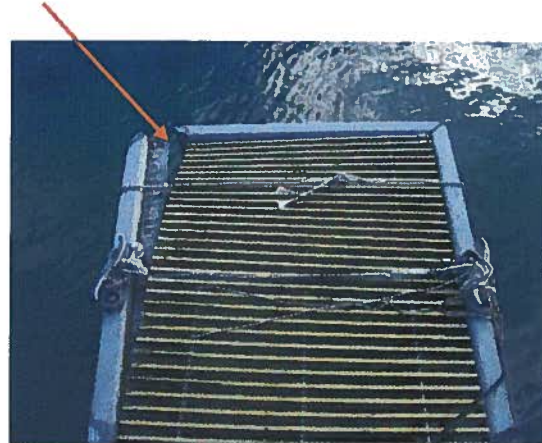


Figure 4: View of boat ramp's west walkway. Damaged end of the walkway to be repaired.



Figure 5: View of ramp's east walkway. The missing existing upper and lower rubber bumpers be with to be replaced with new bumpers. The bumpers wrap around the walkway.



Figure 6: View of the ramp's west walkway. The missing existing upper and lower rubber bumpers to be replaced with new bumpers. Bumpers wrap around the walkway.

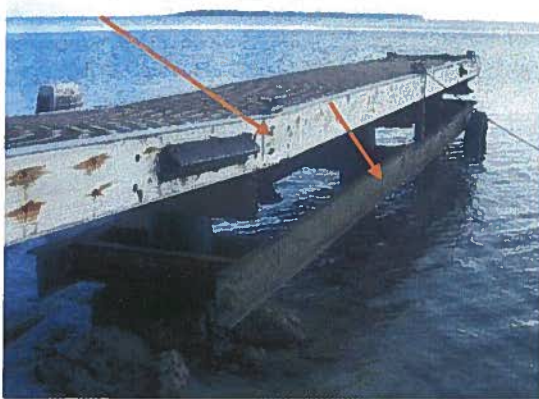


Figure 7: Close-up of ramp's eastern walkway's Missing rubber bumpers.



Figure 8: Close-up of the ramp's western walkway's missing rubber bumpers.



Figure 9: Eastern side of pier. Lower rubber

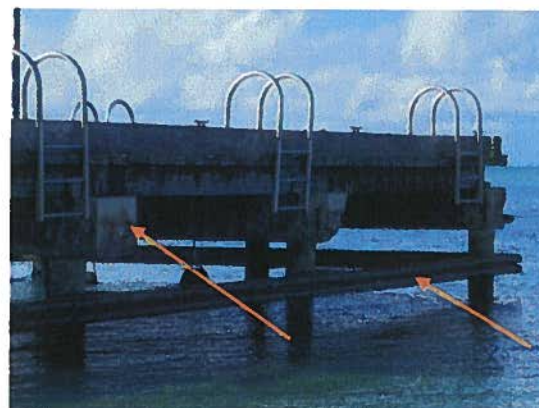


Figure 10: Western side of the pier. Lower

bumper is intact, entire upper bumper is gone. A new upper bumper to be reattached to the concrete crossbeams, replacing the missing existing upper rubber bumper.



Figure 11: Close-up of one of the concrete crossbeams where the upper rubber bumpers were attached. Crossbeams to be repaired prior to reattachment of the upper rubber bumper.

rubber bumper is intact, the entire upper bumper is gone. A new bumper to be reattached to the concrete crossbeam, replacing the missing existing upper rubber bumper.

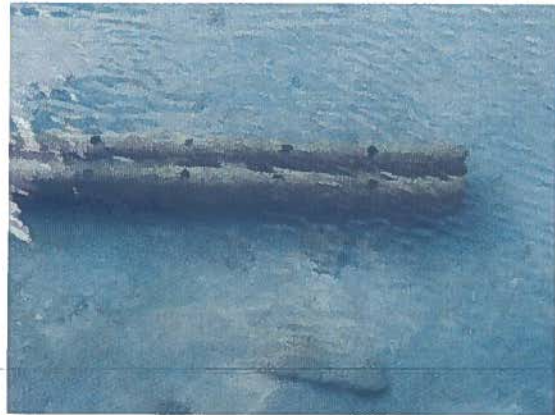


Figure 12: View of detached upper rubber bumper on western side of the pier.



Figure 13: View of the ladders on the pier. All three sides of the pier are to have three ladders. East and south sides each missing two (2) ladders.



Figure 14: View of the three stainless steel ladders on the western side of the pier.



Figure 15: Single ladder on the eastern side of the pier. The two missing ladders to be replaced by bolting to the pier.

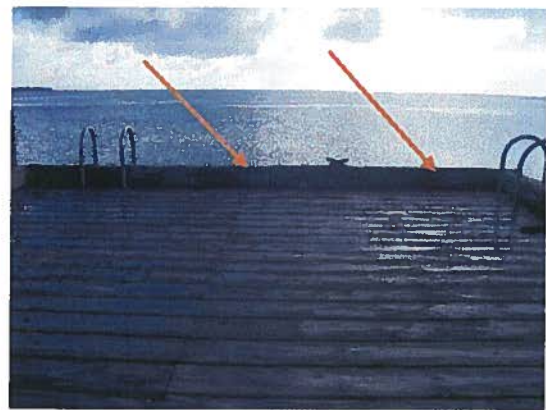


Figure 16: Single ladder on the southern side of the pier. The two missing ladders to be replaced by bolting to the pier.



Figure 17: View of the PVC-encased wiring for the lights on the pier. Encased wiring is located on the east side of the pier. Wiring to be relocated to the west side of the pier to prevent people from pulling PVC casing off the pier and into the water.

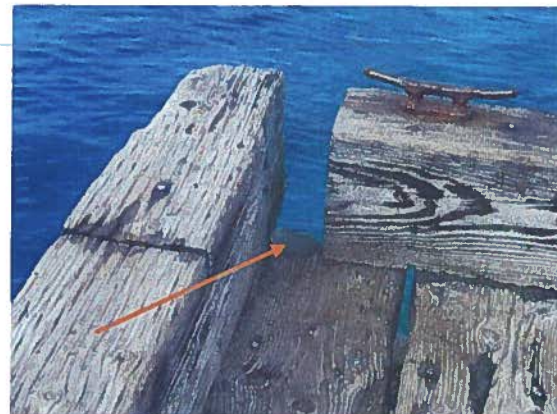


Figure 18: Location of the missing light on the southwest corner of the pier. View of the base of the missing light post.



Figure 19: View of the light posts on the pier. A light post on the southwest corner is missing.



Figure 20: View of the two light posts at the top of the boat ramp.



Figure 21: View of 1 of 2 light posts in the parking lot.



Figure 22: View of 1 of 2 light posts in the parking lot.



Figure 23: View of damaged light. This light design is specific for the pier and ramp, which allows one of the light sources to be adjusted to attract fish.



Figure 24: View of damaged lights. This design does not have an adjustable portion. Lighting design for the parking lot.



Figure 25: View of the damaged portion of the



Figure 26: Close-up view of the damaged portion

asphalt parking lot.

of the asphalt parking lot.

Summary: The proposed project can be considered a maintenance project, with existing structures on the pier, boat ramp walkway, and parking lot either being replaced (e.g. pier ladders, pier upper bumpers, walkway upper and lower bumpers, pier ladders) or repaired (e.g. pier lights, parking lot lights, wiring under the pier, parking lot asphalt). BMP's for the project will include ceasing work should endangered species enter the area and reporting these interactions, minimizing material from entering the marine environment, working during low tide conditions, and preventing and reporting fuel spills. Activities that will not be done include dredging and the use of hazardous materials.
